

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7-11 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoover in view of Trull (US 5,947,929).

Hoover teaches a syringe adapter (FIG 7) comprising:

A rear mounting member (proximal end of 90) to connect to a syringe retaining mechanism of an injector (Fig 1), comprising an attachment member (66) and projections (26);

A front mounting member with capture member (distal end of 90, threads or snap-fit arrangement) to engage a corresponding mounting member (threads) associated with a syringe (36)

Hoover does not teach that the rear mounting member connects to the injector without regards to the orientation of the adapter or that the rear mounting member is made up of a plurality of tab members.

Trull teaches a removable, non-rotationally-oriented connection for use with a syringe-injector system comprising a plurality of resilient tab members (30) which are engaged by the injector (by an annular ridge, 46).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the tabs-ridge connection of Trull instead of the radial projection (26) of Hoover as an alternate connection means which is easy to use and may be readily substituted for one another.

3. Claims 1-3, 7-11, and 14-17 are rejected under 35 U.S.C. 103(a) as being obvious over Hoover in view of Reilly (US 6,958,053).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing

that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Hoover teaches a syringe adapter (FIG 7) comprising:

A rear mounting member (proximal end of 90) to connect to a syringe retaining mechanism of an injector (Fig 1), comprising an attachment member (66) and projections (26);

A front mounting member with capture member (distal end of 90, threads or snap-fit arrangement) to engage a corresponding mounting member (threads) associated with a syringe (36)

Hoover does not teach that the rear mounting member connects to the injector without regards to the orientation of the adapter or that the rear mounting member is made up of a plurality of tab members.

Reilly teaches a removable, non-rotationally-oriented connection for use with a syringe-injector system comprising a plurality of resilient tab members (754) which are engaged by the an annular ridge of the syringe (630)

It would have been obvious to one ordinary skill in the art at the time the invention was made to reverse the tabs-ridge connection of Reilly for use instead of the radial

projection (26) of Hoover as an alternate connection means which is easy to use and may be readily substituted for one another.

Response to Arguments

4. Applicant's arguments with respect to claims 1-3, 7-11 and 14-17 have been considered but are not persuasive. As to Hoover in view of Trull, applicant has completely misquoted the cited passages of Trull. The engagement members 30 of Trull are shown in Fig 3 and are not a "front slot opening." In fact, the front slot is identified as element 72, Fig 2. The rejection is maintained. As to Hoover in view of Reilly, It is irrelevant how the syringe retaining mechanism of the injector is attached to the injector. The syringe retaining mechanism (754) of the injector attaches to the syringe adapter (630) without regards to the orientation of the syringe adapted with respect to the injector about its longitudinal axis, as claimed. The rejection is maintained.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH R. MACNEILL whose telephone number is (571)272-9970. The examiner can normally be reached on 9:00-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Simons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elizabeth R MacNeill/
Examiner, Art Unit 3767

/Kevin C. Simons/
Supervisory Patent Examiner, Art Unit 3767

